IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JORGE LOPEZ, **MARIO VARGAS**, **HUGO** and **ALFONSO CORRAL**,	)))	
Plaintiffs,	))	Case No. 14 C 10372
v.	))	
RUSLAN MASONRY CONSTRUCTION, INC. and **RUSLAN KHOMIN**,	))))	
Defendants.	)	

MEMORANDUM ORDER

In response to this Court's March 24 memorandum opinion and order, counsel for defendants Ruslan Masonry Construction, Inc. ("Masonry") and Ruslan Khomin ("Khomin") have complied with both aspects of this Court's directive by filing (1) defendants' Amended Answer to Plaintiffs' Complaint and (2) a Response by defense counsel Fedor Kozlov ("Kozlov") addressing the Rule 11(b)(3) subject. This memorandum order is issued sua sponte because the latter filing has raised an issue that requires some further input to be provided at or before the previously scheduled April 13 status hearing date.

In particular, Responses, ¶¶ 22 through 26 address the question whether Masonry is an enterprise for purposes of the Fair Labor Standards Act and state in part that Masonry does not have "annual gross sales of $500,000 or more." Because that latter issue is readily demonstrable through the company's federal income tax returns, Kozlov is ordered to provide this Court with copies of those returns for the last three fiscal years either at or before the April 13 status hearing.

In addition, certain other aspects of the Response still appear to pose problems that may or may not turn out to need discussion at the status hearing. Thus, for example, the notion that

plaintiff bricklayers who are working full time at that activity for Masonry were independent

contractors or subcontractors rather than employees would seem to strain credulity (although no

ultimate view is expressed here on that subject, nor does this Court express an ultimate view on

the Rule 11 (b)(3) subject). Those as well as any other issues are simply deferred to the April 13

status hearing date.

_____

Milton I. Shadur
Senior United States District Judge

Date: April 7, 2015